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Attorneys for Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

XI CHEN,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security; EMILIO T.
GONZALEZ, Director of U.S. Citizenship and
Immigration Services; FRANCIS D. SICILIANO,
Officer-in-Charge, San Jose Sub Office, U.S.
Citizenship and Immigration Services; ROBERT
S. MUELLER, III, Director of the Federal Bureau
of Investigations,

Defendants.

No. C 08-0883 JF

**STIPULATION TO DISMISS AND
[PROPOSED] ORDER**

Plaintiff, appearing *pro se*, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismissal of the above-entitled action without prejudice in light of the fact that the United States Citizenship and Immigration Services is now prepared to adjudicate Plaintiff's application for naturalization and agrees to adjudicate such application within 30 days of the dismissal of this action.

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Stipulation to Dismiss
C08-0883 JF

Each of the parties shall bear their own costs and fees.

Dated: April 14, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

_____/s/_____
EDWARD OLSEN¹
Assistant United States Attorney
Attorneys for Defendants

Date: April 11, 2008

_____/s/_____
XI CHEN
Pro se

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Date: 4/17/08


JEREMY FOGEL
United States District Judge

¹ I, Edward Olsen, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this efiled document.

CERTIFICATE OF SERVICE

Chen, Xi v. Chertoff,
Civil Case No. 08-0883 JF

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

STIPULATION TO DISMISS and [PROPOSED] ORDER

to be served this date on the party in this action, by placing the true copy thereof, addressed as follows:

Xi Chen
200 S. Market Street, Apt. 1013
San Jose, CA 95113

☒ First Class Mail by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with the office's practice.

☐ Facsimile (FAX) Telephone No.

☐ Personal Service (Messenger)

☐ Federal Express

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of April 2008, at San Francisco, California.

/s/
Tiffani Chiu
Paralegal Specialist